



PLANNING COMMISSION

Department of Planning and Development Services P.O. Box 27210 Tucson, Arizona 85726-7210

Approved by Planning Commission
On January 6, 2010

Date of Meeting: October 7, 2009

The meeting of the City of Tucson Planning Commission was called to order by Catherine Applegate Rex, Chair, on Wednesday, October 7, 2009, at 7:02 p.m., in the Mayor & Council Chambers, City Hall, 255 W. Alameda Street, Tucson, Arizona. Those present and absent were:

1. ROLL CALL

Present:

Catherine Applegate Rex, Chair
Rick Lavaty
Joseph Maher, Jr.
Mark Mayer
Shannon McBride-Olson
William Podolsky
Thomas Sayler-Brown
Daniel J. Williams
Craig Wissler

Member at Large, Ward 5
Member at Large, Ward 1
Member at Large, Ward 6
Member, Ward 5
Member, Ward 2
Member at Large, Ward 4
Member, Mayor's Office
Member, Ward 1
Member, Ward 3

Absent:

Kevin Burke
Brad Holland, Vice Chair

Member at Large, Ward 3
Member, Ward 6

Staff Members Present:

Ernie Duarte, Planning and Development Services, Director
Jim Mazzocco, Planning and Development Services, Planning Administrator
Tom McMahon, Principal Assistant City Attorney
Rebecca Ruopp, Housing and Community Development, Principal Planner
Joanne Hershenhorn, Planning and Development Services, Lead Planner
Gina Chorover, Community and Neighborhood Services Project Coordinator
Erin Morris, Planning and Development Services, Project Coordinator
Ceci Sotomayor, City Clerk's Office, Secretary

2. MINUTES FOR APPROVAL: July 1, 2009 and September 2, 2009

Chair Rex announced the minutes for July 1, 2009 and September 2, 2009, were not available for the evening's meeting, but would be available for the next Planning Commission meeting.

3. PUBLIC HEARING – WEST UNIVERSITY NEIGHBORHOOD PLAN AMENDMENT (PA-09-02) MAIN GATE V, INCREASED BUILDING HEIGHT

Joanne Hershenhorn, Planning and Development Services, Lead Planner, said this item was heard during the Planning Commission Study Session held September 2, 2009. The proposal is a request from Tom Warne of The Marshall Foundation, to amend the *West University Neighborhood Plan* to allow an increased building height for a proposed nine-story hotel. The current policy of the *West University Neighborhood Plan* limits the building height to forty feet. Since the uses are already allowed, the applicant is only requesting to allow an increased building height. He wants to redevelop the site and construct a hotel with an estimated height of one hundred thirty feet.

Ms Hershenhorn's PowerPoint presentation showed slides that included the following information:

Land uses surrounding the amendment site and the zoning in the area:

- University of Arizona (UofA) and the Main Gate area
- University Marriott Hotel Block
- University Services Building
- Arizona Historical Society Museum Building
- Geronimo Square
- Two Parking Garages
- Historic District
- Louise Foucar Marshall Building Block
- Various commercial and institutional uses

Ms. Hershenhorn described the amendment site location, which is on the northwest corner of the block bounded by Second Street, Park Avenue, University Boulevard and Tyndall Avenue. She said she would refer to the area between Park Avenue and Euclid Avenue as the Transition Area.

Amendment Proposal

- The proposal was for a one hundred thirty-foot high hotel with retail, commercial, educational and theater uses.
- The need to rezone from C-3 to OCR-1
- The *Plan* supports proposed uses
- Currently the *Plan* policy limits building heights to forty feet in the Transition Area

Ms. Hershenhorn explained that the amendment site and the areas immediately surrounding had C-3 zoning, with a maximum building height of seventy-five feet. The proposed hotel was approximately one hundred thirty feet high. She said the applicant needs to rezone the *Plan* amendment site from C-3 to Office, Commercial, and Residential (OCR-1) mixed use zone, and he needs to amend the land use plan first to support the rezoning.

Proposed changes Staff was recommending to the *Land Use Plan*:

- **Existing:** Forty feet building height in the Transition Area
- **Proposed:** Up to one hundred forty feet building height in the Transition Area

Ms. Hershenhorn explained there was a simple change in the policy wording, and to the development concept map. The existing policy allowed a maximum building height of forty feet in the Transition Area and staff was proposing to allow a building of one hundred forty-feet high to be constructed in the northwest portion of the subject block.

Land Use Plan – Policy Direction:

- 1988 *West University Neighborhood Plan* – amendment needed
- 1989 *University Area Plan* – pedestrian commercial district
- 2001 *General Plan* – Activity Center

Ms. Hershenhorn stated there were policies in three land use plans that applied to the proposal. She explained the *University Area Plan* and the *General Plan* support the proposal and they did not need to be amended. There were several policies in the *West University Neighborhood Plan* that supported the proposal and only one policy that did not, and which needs to be amended. Ms. Hershenhorn, in her PowerPoint presentation, pointed out some key *Plan* policies:

- Intensify commercial node at University Boulevard/Tyndall Avenue.
- *West University Neighborhood Plan:*
 - Commercial services to meet neighbors' needs
 - Shared, off-street parking
 - Pedestrian corridors that link campus and nearby uses
- *University Area Plan:*
 - Main Gate as pedestrian Commercial District
 - Consolidate adjacent parcels, integrated circulation and access
- *General Plan:*
 - UofA: Major educational activity center
 - Integrated public and private uses
 - Promote uses of alternate modes
 - Encourage infill of vacant, underutilized parcels
 - Neighborhood identity, visual character, quality in design

Ms. Hershenhorn reviewed and explained some issues to consider when analyzing the proposal. She said the first few issues were those issues raised by Commissioners at the Study Session, and staff identified the other issues while evaluating the proposal. She also said to keep in mind that the University of Arizona (UofA) did not need to go through the City's processes. She showed slides explaining the issues.

- Brief history of the *West University Neighborhood Plan*.
 - Adopted in 1982 and because of the number of rezoning requests and redevelopment activities, the plan was updated in 1988.
- Tall Buildings
 - Tall buildings in the surrounding UofA area
 - University Marriott Hotel, Louise Foucar Marshall Building, Tyndall Garage
- Parking
 - Approved in the Tyndall garage for four-story building on the amendment site
 - New underground parking for the hotel
 - Guests would be visiting for UofA related purposes
 - Well-positioned with respect to availability of transit services such as Cat Tran, SunTran, Old Pueblo Trolley, and planned Modern Streetcar
- Traffic
 - Euclid Avenue would carry most traffic to and from the site
 - More traffic Friday and Saturday nights (theater)
 - Comparative Trip Generation Comparison Report analyzed what was approved during a rezoning and what was being planned.
 - Major activity center (reasonable to expect more traffic)
- Compatibility
 - There are already tall buildings in the area
 - There was an intensity transition from the mid-block outwards
 - Would not dominate nearby streetscapes
 - The site design was integrated, cohesive and it fit well into surroundings
- Vibrant Neighborhood
 - Next to the UofA, lot of people already on campus
 - Main Gate complex attracts people seven days a week, day and night
 - Aesthetics include inviting streetscapes, pedestrian-friendly, and a mix of commercial uses
 - Relaxed outdoor setting
 - Proposed hotel would strengthen the area's vibrancy

Ms. Hershenhorn concluded her presentation, with slides of an overall visual walking tour of the amendment site and Transition Area. She said staff recommended that the Planning Commission forward the proposal to the Mayor and Council with a recommendation to amend the *West University Neighborhood Plan* to allow a higher

building height, up to one hundred forty feet, and to amend the development concept map accordingly for the following reasons:

- Appropriate location for a high-rise hotel adjacent to an activity center
- Can be fit compatibly into the surroundings
- Reinforced the vibrancy of the Main Gate Square area
- Provided services for both the UofA as well as the neighborhood
- Enhanced the neighborhood ambiance
- Contributed overall to Tucson's identity

Chair Rex asked if there was any discussion before proceeding to the applicant's presentation.

Commissioner Mayer said the rezoning that occurred in 1999 provided for the current site of mixed use for office/retail development of sixty-two feet, and the building to the east at seventy-five feet in height. The *West University Neighborhood Plan* was disregarded in terms of the height limitation.

Ms. Hershenhorn replied that that was a good observation and she would not necessarily use the term "disregarded." She said staff wondered why there was not a plan amendment for that area and it appeared to be an oversight. She commented she was not working for the City at that time.

Chair Rex asked if there was any other discussion. Hearing none, she asked the applicant if he would like to make a presentation to the Planning Commission.

Tom Warne, The Marshall Foundation, said this was a continuation of a development that was envisioned in the early nineties. As far as the hotel portion, there was a demand for the product. He said the University of Arizona was considered one of the largest regional centers in southern Arizona and there was truly a need for this project.

Mr. Warne said in the early nineties, during Mr. Pacheco's tenure (prior U of A President), there was an exit poll to find out why the UofA was losing area resident students to Arizona State University (ASU). He said the polls showed that the students preferred to go to ASU because of the development being done in that area (Mill Street in Tempe). U of A was not losing students in specific disciplines; they were losing some of the scholarship students that they were used to receiving.

Commissioner Williams said in the report it mentioned that the development would include a theater. He asked how many theaters and seats the plan called for.

Mr. Warne answered it was approximately thirty thousand feet and included approximately six to seven screens. The screens would be smaller than the commercial screens, such as El Con, because arts and study theaters would be included. He said there was enough steel on the southwest portion of the Louise Foucar Marshall Building to build a bridge for students to cross from that building into the theater for students during

the day. He stated on the second floor of the Louise Foucar Marshall Building was the location where the film editing was currently done. This would allow for an access into the theater that the students would be able to use for educational purposes. The seating arrangements were not yet determined. Mr. Warne said one screen would have approximately just under ninety seats and another screen would have two hundred ninety, which would also fulfill the need for conferencing by the University. He said there was video technology installed down Second Street a long time ago and that could be linked to the University Medical Center (UMC). He stated they wanted a situation where an operation being done in UMC or in China could be watched on the screen by couple of hundred people at any given time.

Commissioner Williams asked if it was safe to estimate that there could be as many as fifteen hundred seats.

Mr. Warne answered the estimate was incorrect. He said there would be several screens with ninety seats, one theater with one hundred twenty seats, and one theater with two hundred ninety seats.

Commissioner Williams replied, totaling all of the theaters together, using six screens with an average of about one hundred fifty seats, there would be approximately nine hundred to a thousand seats. He asked what the commercial and education uses were in the theaters that were mentioned.

Mr. Warne said the education use in the theaters would consist of the U of A Film School, which was part of the Fine Arts College. Also, UMC and the UofA would use the theater for lectures and events. The theaters would also attract the community because of the location, stadium seating, and screen technology.

Commissioner Williams asked what the approximate square footage of the facility was and how many people would the theater seat.

Mr. Warne replied the educational uses he had mentioned were all pertaining to the theater seating. The bottom floor was approximately twelve thousand five hundred square feet that would be used for retail and educational uses, to include a thirty-five hundred square foot restaurant and the rest would be the hotel lobby including back offices.

Commissioner Williams asked, regarding the square footage, what were the proposed uses, not what was currently zoned.

Mr. Warne answered the only change with what was presently zoned was the hotel lobby and their office space. That space was not contemplated to begin with.

Commissioner Williams asked if there was a potential of having conferences with fifteen hundred to two thousand people.

Mr. Warne answered, absolutely not.

Commissioner Williams said he was talking about the commercial and education uses on the first floor.

Mr. Warne commented he would review the retail and educational uses on the first floor. He said there would be lobby space, back offices for the hotel, retail space to include a restaurant and educational uses. Conferences would not be held on the first floor. He said it would be a continuation of what was contained currently on the block.

Commissioner Williams said there was a proposal for underground parking and asked how many parking spaces were predicted to be built.

Mr. Warne said the spaces being contemplated were between ninety and one hundred thirty-five spaces.

Commissioner Williams asked how many parking spaces were currently being utilized in its current configuration.

Mr. Warne said he was not sure; it was an unorganized and jumbled situation.

Commissioner Williams stated it would probably be approximately one hundred spaces.

Commissioner Mayer said previous documents noted the hotel floors would consist of six floors. It was later changed to seven floors as noted in the current Planning Commission materials. He asked what the difference was in the number of hotel rooms from the original six floors verses the seven floors.

Mr. Warne said his answer would be from memory. The maximum number of rooms with seven floors was one hundred fifty-one and the count for six floors was approximately one hundred thirty-eight to one hundred forty-two rooms. The rooms on the seventh floor would be larger, so the density was a little less.

Commissioner Mayer asked if Mr. Warne was involved in the methodology of the study by Lueck.

Mr. Warne answered he was not. He commissioned Mr. Lueck to take the office away to show the incremental traffic report for adding a one hundred fifty-one room hotel.

(Verbatim)

Commissioner Podolsky: Mr. Warne, when you went to the , excuse me, when you went to WUNA with the original presentation, was this run by the WUNA Architectural Advisory Board?

Mr. Warne: No

Commissioner Podolsky: Is there a reason it was not?

Mr. Warne: It was, I took this, I think they call it the Planning Board. I did not take it to the Historic; are you talking about the Historic Review Board?

Commissioner Podolsky: I'm talking about the Architectural Review Board.

Mr. Warne: Their Planning Board?

Commissioner Podolsky: The Architectural Review Committee that had been in place for a number of years. Has it been abolished?

Mr. Warne: What's that (verbiage from the audience – inaudible)

Commissioner Podolsky: It was known as the Architectural Review Board.

Mr. Warne: This was taken, they formed a Planning, they asked me to take it to a Planning Commission that they have. They have, they have their own Planning Commission now. In fact, Mr. Poster actually was there for a different purpose, and I took it to the Planning Commission. It has several Architects on it, and then, once it was approved there, which was approved unanimously, I went in front of the West University Neighborhood Board at large, twice, of which it received the unanimously vote twice.

Chair Rex: We do have a request to speak during the public hearing from the University Neighborhood representative, so we could hear more details then.

Mr. Warne: That was the directions of the West University Neighborhood, Mr. Podolsky, that I followed.

Chair Rex: Commissioners, any further questions of the applicant or the staff: Hearing none, I can open the Public Hearing.

End of Verbatim

Vicki Westover, Director of the Hanson Film Institute for the University of Arizona, said she was present to show support for the *Plan* amendment. She stated she was excited about the movie theater because the U of A and the community had no adequate professional screening facility. She explained the U of A brought professionals in from different states to show films for student work and events and also produced all types of film festivals and conferences. She stated she found it difficult to find adequate screening facilities.

Ms. Westover addressed the parking issue. She said she parked at the U of A, seven days a week and did not find any problems with parking. She said she usually parks at the Main Gate Square garage and there were an abundance of parking places, especially in the evenings, when students and faculty left, there was plenty of parking for an evening event.

Commissioner Maher asked if by providing these theatres it would result in additional new degrees for students attending the U of A.

Ms. Westover explained the results would be in the U of A receiving additional quality students wishing to attend the University. While traveling, she noticed other countries had beautiful movie theaters where professionals could show their work or students could bring their work to show. By enhancing the program, it would enhance the quality of students choosing to come to the U of A.

Beverly Seckinger, University of Arizona, School of Media Arts Interim Director said she rode her bicycle to the University and encouraged that additional bicycle parking be provided. She concurred there was plenty of car parking in the area.

Ms. Seckinger agreed with the different uses Mr. Warne had discussed, however there were several courses that were screening based study courses. She explained there were new screening spaces on campus, but it was not optimized for their needs. If one needed to study films adequately, there was no place on campus or in the community to do so. She said she was excited to potentially have several screens for students' use and to benefit from. Many students were involved in coordinating screening series and this was a great opportunity to have advanced equipment and better facilities.

Ms. Seckinger said she attends conferences for media educators in different states and often thought about having conferences in Tucson, but there was a need for screening facilities and accommodations. The University Film and Video Association would be happy to come to Tucson with these upgraded facilities.

Commissioner Maher asked if the upgraded theaters would help maintain and enhance the viability of the department to perhaps obtain funding from the legislature.

Ms. Seckinger said this was the twenty-first century in an era of monitors on every desk and certainly would not hurt. The U of A teaches students how to make and understand various aspects of filming. She commented that one would think they would be very interested in maintaining a program such as this where students and alumnus would benefit from. She said, additionally, this project would also help develop the film industry in Arizona.

Commissioner McBride-Olson said as a member of an educational institution with a fine arts background, she understood the benefit this development had for programs at the U of A, both as an educational and economical enhancement to the community

The next member of the public to speak, Barbara Macri, said the existing Main Gate Square development did fabulous things for the neighborhood and the area. It was a good transition between the U of A and the neighborhood. She said Mr. Warne was good to work with but she had some concerns regarding the presentation. She said the project was not in character with the area between Park Avenue and Euclid Street. The existing buildings were one-, two-, and five-story buildings, and to go from ninety feet to one hundred forty feet was too excessive. She said it set a poor precedent for the rest of the Transitional area.

Ms. Macri said her other concern was the parking and traffic situation. Mr. Warne's report stated fifty percent of the traffic was from bicycle traffic, foot traffic, or alternate mode. She said she felt the percentage was too large, especially since she lived in the area and experienced that Euclid Street was always congested, the lanes were narrow, and cars went too fast down the street.

Ms. Macri said she supported the uses, but disagreed that the theaters would be used primarily by students. She repeated she was supportive of the concept and uses. She said certain parts of the development would be nice, but expressed she would like to see a condition about the height of the building. Ms. Macri also asked for a condition regarding the traffic. In the presentation, parking variance was mentioned. According to her experience, parking was very difficult in that area and she would like to see a condition that would include more parking.

Commissioner Williams addressed Ms. Macri and asked if there were any problems or bleed-over from parking from the U of A in her area.

Ms. Macri said there was not a problem because they had residential permit parking; most of the time, the residential permit was not needed. However, prior to having residential permit parking, there was a problem with students parking at the neighborhood.

The last member of the public to speak was Gail Witner, Vice President of the West University Neighborhood Association and a member of the Planning Subcommittee. She said she was present representing the West University Neighborhood Association Board and in support of the project. Mr. Warne came to the Planning Subcommittee with the original presentation of the *Plan* without the added ninth-story for the hotel. The Board was unanimously in favor of the *Plan* with no concerns. She said the project was presented to the full board and everyone had a chance to see the project. At that time, there were no concerns or exceptions. A letter of support was forwarded to Albert Elias, Director of Urban Planning and Design. Mr. Warne returned with the revised *Plan* that included the additional floor. She said the hotel would be nestled among other tall buildings in the area. The Board members discussed the *Plan* and realized buildings were getting taller and there were pressures to develop in the area where they lived. She added the Board members had a lot of trust and support for Mr. Warne. The project was presented twice and received their support both times.

Ms. Witner explained only projects whose boundaries were located within the Historic Preservation Zone area were governed by the West University Historic Zone Advisory Board (WUHZAB), which was a city commission. This was a different boundary than the West University area. She explained within the last few years the WUHZAB formed a planning subcommittee and invited Mr. Warne to present the *Plan* before that group first. She added there was no Architectural Advisory Committee.

Chair Rex asked if there was any further discussion and if the applicant had anything further to say.

Mr. Warne said Commissioner Williams asked about the overflow of traffic into the neighborhood and before the development, there was parking overflow. Some years

ago, funds from a City bond enabled lighting improvements and traffic inhibitors were built through the neighborhood. The traffic inhibitors and permit parking improved neighborhood traffic and the overflow was stopped. He said before any improvements were made in the Main Gate Square development, there was definitely overflow parking.

Commissioner Podolsky asked if the proposed underground parking would be beneath the entire or partial footprint and if it would extend to two-stories. He also asked Mr. Warne if he had projected a unit cost in his Performa.

Mr. Warne verified it would be beneath the entire footprint and that it could possibly extend two-stories. He said on the projected unit cost, the hotel was responsible for establishing those projections and they had estimates from some very large creditable construction firms in the state.

Commissioner Podolsky asked when the drawings were completed and bids were obtained, would the parking issue be considered an excessive cost and become a deal breaker for the hotel.

Mr. Warne said anything is possible but with the reputation of the construction companies that had bid, he thought the hotel knew the cost and felt comfortable with the bids.

Commissioner Lavaty said, at the Planning Commission study session, Mr. Warne mentioned it was their intent to build the underground parking to the extent that it would serve all hotel guests.

Mr. Warne said that statement was accurate and they had a lot of experience because of the present hotel.

Chair Rex asked if there was further discussion. Hearing none, she asked for a motion to close the Public Hearing.

It was moved by Commissioner Lavaty, duly seconded, and carried by a voice vote of 9 to 0 (Commissioner Burke and Vice Chair Holland absent), to close the Public Hearing.

Commissioner Williams said he noticed there were some things discussed that were not taken into consideration in the preliminary Trip Generation Comparison Report, such as the restaurant and educational uses. He said both items had the potential of generating a substantial amount of parking. In regards to the educational purposes, he said there probably would not be a lot of parking associated with that purpose, but there would be some because people who would come from out of town or various other places that would generate additional parking requirements. He said the report was not truly reflective of what would really take place.

Commissioner Mayer said he had great issues with the methodology of the Lueck report. The Trip Generation Comparison Report reduced the specialty retail center by fifty percent, but failed to reduce the movie theater trip generation at all. He said he did not think we should be led to believe that all the students in the dormitories to the south, the people involved with the fine arts program, the hotel guests, etc, were not going to have

their trips reduced in the same fashion as when they would shop in the specialty retail shops. He said he did some calculations, and based on his calculations, it was a very small increase. He said it actually increased about 4.5 percent based on the methodology in the report. Commissioner Mayer said if there was a fifty percent trip reduction applied to the movie theater trip generation, equally between the present rights and what was being proposed, it would be a 17.3 percent increase trip generation. Furthermore, the comparison was with something that was not there presently, so when he received the staff report, there was a casual indication on the current conditions on Second Street and the project obviously had a one hundred percent increase.

Commissioner Mayer said he was having trouble with the idea that as Planning Commissioners, they had to scrutinize proposals in order to make sure projects were done properly so the impacts would be fully understood. He said he had concerns on the traffic capacity the project would have on Euclid Avenue and Second Street. He stated the project was sound and most of the comments regarding the theaters were great, but he questioned that a full analysis was not completed.

Commissioner Mayer also commented he was concerned about the increase in the height of the hotel. The increase would be forty-five feet over the tallest buildings in the area which was a four and a half story building. Normally, that was considered to be a very tall building and normally a forty-five foot building was considered a tall building. He said he did not see a rendering with all the pictures that would put that one hundred thirty foot hotel into all those different vantage points. He said he was concerned with what the full impact was going to be on the traffic capacity on Euclid Avenue and whether Second Street could handle the traffic at this scale of development.

Commissioner McBride-Olson said the comments on the Trip Generation Comparison Report study were radically out-of-line with what was stated in the study. She said there was a chance that the City would require more traffic studies during the design phase, which would address impacts on Euclid Avenue, and mitigation techniques. She said she felt comfortable with what was presented in the Trip Generation Comparison Study.

Commissioner Williams said he spoke with the staff from the City's Transportation Department about the intersections at Park Avenue/Speedway Boulevard and Euclid Avenue/Speedway Boulevard. He said he was told the traffic level of service rating was "F." "F" meant there was a significant delay of traffic with large backups and if additional traffic would be added to those intersections, it would make the level of service worse. Also, when traffic was congested, traffic would need to go through the neighborhoods and that would create cut-through traffic problems for the neighborhoods.

Commissioner Williams said he typically drove through Euclid Avenue once a day and during rush hour traffic, it was almost impossible to get through the traffic. He said he did not know where traffic would go if traffic was increased. In order to relieve this type of traffic issue, additional infrastructure was needed, such as bus pullouts and turn lanes. He said if trolleys were added to the mix, one needed to wonder how they would get through the congestion. There were too many questions that were not properly

answered. He said as Planning Commissioners, to do their job properly, they needed to view the whole picture before allowing a project to go forward. He said there were not enough studies done to really address these issues. He said the current zoning was C-3, allowing buildings to be seventy-five feet in height. According to the information he gathered, it was more appropriate to keep the current usage than to allow intense development that would increase the traffic problem. He stated in order to increase development, some buildings, streets, and sidewalks needed to be demolished to accommodate the development because there was no room for expansion. He said the intensity was too high for the area.

Chair Rex said ~~Chair~~ Commissioner Williams had brought up the subject of bus pullouts and turn-lanes and she asked how far away from the subject property could they be required during the rezoning. She also asked if some of those items could be required on Euclid Avenue, even though the building was not on Euclid Avenue.

Ernie Duarte, Planning and Services Department, Director, said during the rezoning process the proposal would become refined. He said it would get submitted, distributed to a number of transportation and traffic engineering agencies, and taken a look at the numbers being presented by the applicant's consultant. He stated staff would review the information and then formulate a recommendation. Some of the recommendations could include mitigation steps depending on the nature of the issues at hand. Offsite improvements could be required as rezoning conditions, if warranted. He said then that information was forwarded to the Zoning Examiners and his staff, who ultimately forwards a recommendation to the Mayor and Council.

Chair Rex asked if during the rezoning process, something appeared to be too intense because the traffic issues could not properly be addressed, would they not recommend the full one hundred thirty feet that was being proposed,

Mr. Duarte said that was conceivable.

Chair Rex said what the Planning Commission was or should be doing, was to allow for the flexibility, but not direct what would be happening.

Mr. Duarte responded affirmatively.

Chair Rex asked if there was further any discussion or a motion.

Commissioner Maher said he had a few comments before the motion. He said as a former U of A student, before there were useful gigantic parking garages and it only cost fifty dollars for a parking permit, students who lived a few blocks away from the University would never drive, they just walked everywhere. He stated it just seemed easier at that time. He said he did not disagree with the fifty-percent factor about the residents or students walking everywhere, because that was going to happen.

Commissioner Maher said he had two projects near the University and drove on Euclid Avenue at all times of the day and did not notice any problems. He said it was a typical University area with crosswalks and the speed limit was extremely slow.

If anyone was trying to use that street to get across town, it would certainly be a mistake, unless it was your destination. He said additionally, other than the University Marriott and the Four Points Sheraton on Campbell, there were no other hotels near the University. He said he attended several functions at the University Marriott and has never had problem with parking. He said the area seemed rather dead and thought there should have been more activity than what he witnessed. Commissioner Maher said he would like to see more hotel rooms and more theater screens that would benefit the University and increase its status.

Commissioner Maher said he traveled on Mill Avenue in Phoenix, and had been jealous of Mill Avenue for a couple of decades. He was extremely happy that the Marshall Foundation fixed Euclid Avenue because it was just horrible for decades. Now there were some great restaurants and improvements to the area since he was there. He said he was not a parking expert but had lived in Tucson a long time, traveled into the area constantly, and would like to see the project go forward. He said he was a little surprised that the project needed to be rezoned, but for the height, perhaps, that needed to get done. He added if the very strict West University Neighborhood Association was in favor of the project, then he definitely was in favor of it as well.

It was moved by Commissioner Maher, duly seconded, to forward the *West University Neighborhood Plan* Amendment to the Mayor and Council with a recommendation to amend the *Plan* to allow a higher building height up to one hundred forty feet on the amendment site as requested by the applicant and to modify the Future Development Concept Map as recommended by staff.

Chair Rex asked Commissioner Maher for findings.

Commissioner Maher said the findings were: 1) the West University Neighborhood was in favor of the project; 2) it was compatible with the area; 3) enhanced the area; and 4) it was a community and economic asset.

Chair Rex asked if there was any further discussion.

Commissioner Williams said a project like this was good and he supported some type of development to go in the area. However, it needed to be downscaled to address the traffic issues because he did not know any other way to properly address the issues in the area.

Commissioner Lavaty said he was a little leery of seeing the Commissioners pre-judge a planning proposal on the basis of a zoning consideration which was exactly what the parking was. He said he was also concerned that the site and the applicant had the ability to put in office space above the theater. He said given the traffic in the immediate area during the morning and evening rush hour, the additional office space would contribute far more to peak traffic than the retail space and hotel.

Chair Rex commented she appreciated the additional items that were discussed regarding the compatibility and the vibrancy of the neighborhoods. She said they were key and important to the project they moved towards some idea of defining themselves as

a city in terms of activity areas. She said she agreed with Commissioner Lavaty, particularly with the traffic, that the traffic issue would need to be taken care of during the rezoning and was not the level of attention at this time.

Chair Rex asked if there was further discussion. Hearing none she asked for a roll call vote.

Upon roll call vote, the results were:

Aye: Commissioners Lavaty, Maher, McBride-Olson, Saylor-Brown, Wissler, and Chair Rex

Nay: Commissioners Mayer, Podolsky, and Williams

Absent: Commissioner Burke and Vice Chair Holland

The motion to forward the *West University Neighborhood Plan* Amendment with findings to the Mayor and Council with a recommendation to amend the *Plan* to allow a higher building height up to one hundred forty feet on the amendment site as requested by the applicant failed by a roll call vote of 6 to 3.

Note: Section IV.K.3 of the Planning Commission's Rules of Procedures provides that for either approval or denial, a recommendation to Mayor and Council must receive 7 or more votes.

Commissioner Mayer asked when there was not a positive recommendation by the Planning Commission was a letter still forwarded to Mayor and Council.

Jim Mazzocco, Planning and Development Services, Planning Administrator, stated a letter would be forwarded to Mayor and Council.

Chair Rex stated the Planning Commission would forward a letter with no recommendation to the Mayor and Council.

Mr. Mazzocco said Chair Rex was correct. The letter could go with a denial, a recommendation or with no recommendation. In this case, it would be no recommendation.

Commissioner Mayer requested, in the letter that was sent to Mayor and Council, could it reflect that his vote was not opposed to the concept but based on concerns regarding the building height and the traffic generation issues.

Chair Rex said the vote was based on the height and not on the traffic, because traffic was discussed during the rezoning.

Commissioner Mayer said he was requesting to communicate to the Mayor and Council the basis of his vote to the extent that was reflected in the communication.

Tom McMahon, Principal Assistant City Attorney stated he did not see a provision stated in the rules for such an action.

Chair Rex asked if he would like to reconsider his vote.

Commissioner Mayer said he was not requesting reconsideration.

Chair Rex clarified that the item would be forwarded to the Mayor and Council without a recommendation but with the vote and findings.

Mr. McMahon confirmed the statement made by Chair Rex. He said the item would be forwarded to the Mayor and Council with staff recommendation to amend the *Plan* and the record would reflect there was no recommendation from the Planning Commission.

Commissioner Maher verified that the recommendation would just list the vote. He asked if it would just list a number or individual names.

Mr. McMahon stated it would just list the number. There was no need nor do the rules call for a list of the vote cast by each member.

RECESSED: 8:52 p.m.

RECONVENED: 9:02 p.m.

Chair Rex reconvened the meeting. All Commissioners were present as they were at the beginning of the meeting. (Commissioner Burke and Vice Chair Holland absent)

4. PUBLIC HEARING – *MILES NEIGHBORHOOD PLAN*

Rebecca Ruopp, Housing and Community Development, Principal Planner, stated this item was discussed during the Study Session on September 2, 2009. Gina Chorover, Project Coordinator would be giving staff's presentation.

Gina Chorover, Housing and Community Development Project Coordinator, stated she would be presenting a Power Point of an overview of the *Miles Neighborhood Plan*.

Ms. Chorover presented and discussed the following items:

Neighborhood and Area Plans

- Difference between a General Plans, Area Plans, and Neighborhood Plans. She said the City of Tucson had a *General Plan*, which established the basic approach to guide future development in the Tucson area. Area plans were more specific than general plans and focused on a specific area that was larger than a Neighborhood Plan but smaller than a general plan. Currently there were seventeen area plans adopted by the Mayor and

Council in the City of Tucson. Neighborhood Plans were more specific to smaller geographic areas and currently, there were thirty Neighborhood Plans that had been adopted.

- The majority of plans were created ten to twenty years ago, and some have been subsequently amended.
- Neighborhood Plans supersede Area Plans
- Sometime during 2006-2008, the Comprehensive Planning Division created a refined model for future Neighborhood Plans, which addressed both land use and community development issues.
- The *Jefferson Park* and *Miramonte Neighborhood Plans* were completed under the prototype project.
- The *Miles Neighborhood Plan* was developed through the same process.

The Miles Neighborhood

- Centrally located with easy access to major corridors in Tucson
- Boundaries: Broadway Boulevard to the south, Arroyo Chico Wash to the north, Park Avenue to the east, and Kino Parkway to the west.
- Key features of the neighborhood

History of the Miles Neighborhood

- The development of the neighborhood began in the mid-1920's
- Miles School buildings were constructed between 1921-1925
- A 1984 University of Arizona students' study captured memories from local residents

Miles Neighborhood Demographics

- Population
- Average Household Size
- Number of Housing Units
- Percentage with High School Degrees
- Percentage with College Degrees
- Median Household Income Comparison

Miles Neighborhood Land Use

- Land Use – Parcels in the Miles Neighborhood
- Change in percentage of owner-occupied versus renter-occupied housing during 1980-2000.
- Neighborhood Zoning

Arroyo Chico Area Plan, Adopted 1986

- The *Arroyo Chico Area Plan* guided a number of policy issues in the Miles Neighborhood since it was adopted including issues of density and land uses.

Development of the Miles Neighborhood Plan

The following elements were created in the planning process:

- Vision Statement
- Goals
- Policies
- Strategies

When will the *Plan* be used

- The Neighborhood Plan was advisory in nature
- *Plan* policies were referenced when there was: rezoning, new zoning regulations adopted by ordinance, public works project and public real property acquisition.
- The *Plan* was also intended to function as a strategic plan for the neighborhood to: provide a focus for physical and organizational improvement, assist neighborhood association in defining its agenda, provide synopsis of neighborhood vision, assets and challenges often useful in applications for funding.

Four Main Goals, Policies and Strategies Included in the Plan

- Goal 1: Neighborhood Enhancement and Preservation
- Goal 2: Compatible Development
- Goal 3: Neighborhood Infrastructure Improvements
- Goal 4: Community Development

Overview of the *Plan* Process

- Planning process began in September 2008:
 - Initiated by neighborhood residents
 - Assisted by Ward 5
 - Coordinated by the Comprehensive Planning Division, Housing and Community Development Department
- Neighborhood Assessment and Inventory:
 - Survey sent to all property owners, residents, businesses, and organizations
 - Existing condition assessments conducted by staff with assistance from neighbors.
- Public Involvement Process:

- Applications for Citizen Steering Committee sent to all neighborhood property owners, residents, businesses, and organizations
- Eleven member Citizen Steering Committee formed
- Seven public meetings held, including two landscape design workshops
- Public meeting held to present draft *Plan* on September 30, 2009

Results of Public Meeting on Draft *Plan*

- Held September 30, 2009 at the Miles Exploratory Learning Center
- Twenty-two people signed in
- Fifteen people completed comment forms

Public Meeting Discussion Following *Plan* Review

- Could the *Plan* address ugly buildings?
- How does the policy affect the ability to rent home?
- Request for speed-humps
- Would like a neighborhood where everyone could grow old
- Some renters long term residents
- Questions about public use of Cherry Fields

Commissioner Mayer said he had a question regarding conflicts with the *Arroyo Chico Area Plan*. He asked if there were any conflicts identified between the policies or goals of the draft *Miles Neighborhood Plan* and the *Arroyo Chico Area Plan*.

Ms. Chorover answered there were no conflicts and in fact, they were very consistent.

Commissioner Sayler-Brown said the beginning of the presentation showed the *Arroyo Chico Area Plan* and commercial uses the length of Broadway Boulevard. He said he heard that the neighborhood plan supported that.

Ms. Chorover agreed.

Commissioner Sayler-Brown said under Goal 2: Compatible Development, Policy 2.1, Strategy 2.1.3, it states, “preserve current R-2 zoning as the neighborhood plan did not support up-zoning.” He asked how this strategy would come to play if someone wanted to change the R-2 zoning on Broadway Boulevard.

Ms. Chorover said strategies were not considered in the rezoning request, only the policy statements. Anything that was not specifically addressed in a policy statement in the *Miles Neighborhood Plan* would defer to the *Arroyo Chico Plan*. The neighborhood’s intentions supported all the provisions of the *Arroyo Chico Plan* and were in agreement with the commercial and office use along the Broadway Corridor.

Commissioner Mayer said he wanted to follow up on the same point. He asked if it was correct that the strategies were not a binding policy.

Ms. Chorover answered that was correct.

Commissioner Mayer said people could read Strategy 2.1.3 in the *Plan* that said, “Preserve current R-2 zoning as the neighborhood plan did not support up-zoning.” He said he did not see anything in the rest of the *Plan* that was a policy or a goal that precludes any up-zoning.

Ms. Chorover stated that was correct. The Neighborhood Steering Committee, in conjunction with the public, decided it was not something they wanted to put forth in a policy. They wanted their policies to support the *Arroyo Chico Plan*.

Commissioner Mayer said a statement was being made in the printed plan that the *Plan* did not support up-zoning, but there was not a policy that supported that. He said it seemed to be contradictory. Even if it was not binding, it was in a document that people would refer to. The R-2 was in conflict with the land use map on the Broadway frontage where there were around four R-2 parcels that would go to commercial or office/residential use.

Ms. Chorover said that was a fair point and she said she wondered if it would help by amending the statement. She said it was something they thought about and was glad Commissioner Mayer brought it up.

Commissioner Mayer suggested amending the statement to specify “except along the Broadway frontage as designated in the *Arroyo Chico Plan*.”

Ms. Chorover said if he was requesting that change, staff was happy to change the verbiage to make the Neighborhood Plan more consistent with the *Arroyo Chico Area Plan*.

Chair Rex agreed the verbiage would be appropriate to include in the amendment.

Commissioner Mayer suggested there would be future plans such as the upcoming Broadway Corridor project. He said the plans should work in concert with one another. On one of the other City transportation projects, the web site indicated there was a conflict between the neighborhood plans and what was being done in the transportation project. The transportation project would prevail after the citizen process. Commissioner Mayer asked if the steering committee will be engaged in the issues the transportation project would have affecting the Broadway Boulevard frontage.

Ms. Chorover explained the one of the reasons the Miles Neighborhood became interested in developing the neighborhood plan was the impending Broadway Corridor project. She said they wanted to develop a cohesive vision for their neighborhood and to ensure they were represented in that process as stated in one of their policies.

Commissioner Podolsky said he wanted to bring up the issue once more about the 2.1.3 policy. He said there was also a small segment along Kino Parkway before approaching the ball field. He asked if that area would be taken into consideration.

Ms. Chorover stated that area was all currently residential.

Commissioner Podolsky agreed the area was residential but asked if off-zoning would only be supported on Broadway Boulevard.

Ms. Chorover said the Neighborhood Plan was consistent with the *Arroyo Chico Plan* on that point. She said the map showed that future land uses along Kino Parkway were all residential except for the one corner at Broadway Boulevard and Kino Parkway.

Commissioner Mayer said to follow up on that point, in the *Arroyo Chico Area Plan* for the Miles area, there was a specific policy of an implementation technique that said it would retain residential uses along Kino Boulevard between Twelfth Street and Arroyo Chico.

Chair Rex stated, during the presentation that was referenced to public works projects and asked what that meant.

Ms. Ruopp said when they worked on public works projects, it was standard that they looked at the Neighborhood Plans and took them into consideration for anything that had public moneys. On the Regional Transportation Authority (RTA) projects, all the Neighborhood Plans were collected and reviewed.

Ernie Duarte, Planning and Development Services, Director, stated Ms. Ruopp was correct. He said these were plans and policies the Department of Transportation took into consideration before embarking public works projects. He said other projects, for example, may include intersection widening, and bus pullouts.

Chair Rex asked if there was any other discussion. Hearing none she opened the Public Hearing.

Jamey Sumner thanked Council Member Leal, Rebecca Ruopp, Gina Chorover and Chris Kaselemis, for making this happen. She said this was a golden opportunity for one of the older neighborhoods that was within the downtown area. He said they thought it was important to protect the neighborhood and take a pro-active stance, so things would not just happen to the neighborhood and have a future of where the neighborhood was heading. He stated one of the ways to do that would be through the neighborhood plan. Without a plan, the neighborhood would be doomed. He said he saw things happen to neighborhoods in the City. Some areas were lazed in progress and other areas were very good. He said he loved the neighborhood, the people were wonderful, and it was a family oriented type of neighborhood. He said he would like to see the *Plan* move forward to the Mayor and Council for adoption.

Commissioner Lavaty said there was discussion following the staff's presentation regarding Strategy 2.1.3 adding language that would support up-zoning along the

Broadway Corridor. He asked Mr. Sumner if he was acceptable to the change since he was on the Steering Committee.

Mr. Sumner said he was in support of adding the language regarding the up-zoning along the Broadway Corridor. He said one of the reasons the neighborhood thought it was important to develop a Neighborhood Plan was because of the Broadway Corridor, the *Arroyo Chico Plan*, the downtown development, and the University of Arizona. There were four impending things that could affect the neighborhood. He said the neighbors would like to see the areas succeed, but would also like to see those areas be considerate of their neighborhood.

Commissioner Lavaty said the suggested language was appropriate, but was reluctant to tinker with documents produced by the neighborhood committee without the support of the committee.

Ms. Ruopp said she was concerned the language was not clear, and Ms. Chorover did notify the committee that the intent was consistent with *Arroyo Chico Plan*.

Commissioner Maher said he wanted to continue the same point of view. He said he had always been frustrated where neighborhoods were anti-business along a business street where neighbors could walk or ride their bicycles to. He said this was a Rio Nuevo strip and hopefully there would be new development that was attractive, compliment the neighborhood and close to be able to walk to. He hoped that was the attitude.

Mr. Sumner said prior to the *Plan*, the neighbors felt it was important to the neighborhood to have communication and accessibility to what was on the borders and built a partnership with the businesses. Some neighborhoods would look at businesses along arterial streets to be a problematic nuisance. He said some of the business along the neighborhood were assets and would like the business to think of the neighborhoods as assets as well.

Joann Phillips said she had owned a rental property in that area since 1994. She said she was interested on being on the Steering Committee because she cared about the neighborhood. She did not like the idea of slumlords, so she always kept her rental properties up and was part of whatever was happening in that neighborhood. She said she was happy with what was done for the neighborhood along with the City staff that guided them down a path that was complimentary to the *Arroyo Chico Plan*. She said there was a lot of advise from neighbors on the Steering Committee and commented it was an area that she was proud to own property in. She said she worked with Ms. Chorover to identify historic properties and identify problems in the neighborhood. One of the neighbors that was not present that evening owned "Little Sprouts." She said that neighbor was an inspiring asset because she was also able to network with other businesses owners along the Broadway Corridor.

Corky Poster, Architect and Planner, said he lived in the area for thirty-six years and lived in a very modest 1928 home. He said he also owned the home next door that he had rented for the last twenty-five years to only three different renters and added it was a

very stable neighborhood. Part of the stability was because it was a great location, close to downtown, the University of Arizona and it was a quiet and nice place to live.

Mr. Poster said he had the opportunity to work as one of the principal planners on the *Jefferson Park Neighborhood Plan*, the *Miramonte Neighborhood Plan*, and the *Arroyo Chico Neighborhood Plan*. He said he had the basis covered with the materials brought before the Planning Commission. He reminded the Commission the style of the *Plan* contained a variety of questions, which was a benefit to the Planning Commission as well as the neighborhood. He said a good part of the *Plan* was for the neighborhood's own use and benefit in terms of strategic activities that they were involved with. He added the Planning Commission would start to see more plans similar to what was being presented that evening.

Mr. Poster said he wanted to comment on some of the specific things that were said. The neighbors and the Steering Committee agreed on the comment regarding the zoning of R-2 along Broadway. He said they thought all the R-2 parcels were gone, but as pointed out there were four remaining R-2 parcels and the comment to not rezone the R-2 did not refer to those parcels. He said Commissioner Mayer's suggestion regarding the change was acceptable, a good idea, and he supported it.

Mr. Poster said they intended to be fully engaged in the Broadway Corridor Study. As a small neighborhood area, they thought it was inappropriate to put their reservation in early to the *Broadway Corridor Plan*, and thought by completing their planning needs; they would be better prepared to be active and effective participants in the Broadway Corridor Study. Mr. Poster said he also supported the services along Broadway being useful. He lived a few hundred feet from the taco shop that was open twenty-four hours a day and was a good thing to have. It was useful and the kind of things they saw as benefits. He said he wanted to be clear that they did not support any zoning along Kino Boulevard as pointed out in the *Arroyo Chico Plan*. If they used the proposed language and make the exception of Broadway Boulevard, then they were covered regarding Kino Boulevard.

Ms. Poster complimented working with City staff was fabulous during the process. They were very much a part of the group, and were hardworking participants with consistent attendance, especially during all the neighborhood meetings. He said their participations made this a grass root plan and hoped the Planning Commission fully supported it.

Lisa Marie Morrison said she lived directly north of the Cherry Fields that were built over a year ago and was how she became involved in program. Cherry Fields happened across her house without her knowledge. She said one morning she woke up and there was about two hundred trees cut down in front of her house and it was an eye-opening experience. She said she jumped on board when she was invited to participate with the Steering Committee fully ready to engage in the neighborhood. She said she was lucky to have the type of neighbors she had and wanted to make their opinions known to the Tucson community. She stated, as far as the Broadway Corridor, they were interested in greenways, more pedestrian friendly within the neighborhood and the arterial roads. She thanked Rebecca Ruopp and Gina Chorover for their dedication,

their cohesive, and their thorough organization and communication with the neighborhood.

Joan Calgagno said she recently moved but owned a property across from the Cherry Fields, which she lived in for thirty years. She stated regarding the comment made by Mr. Poster about the *Plan* being a grass roots effort, she said prior to September 2008, there were many neighborhood meetings which the neighbors had a desire to define the neighborhood, have a plan and to have a cohesive voice. A year before that, she was part of a small neighborhood team on a consistent basis to determine to move a plan forward. She said they worked with Councilman Leal's office about the possibilities and were thrilled to get the "dream team" of Mr. Ruopp and Ms. Chorover to help them. She thanked the City for those resources. She said they were just working away, not knowing if something would really happen and two years later, there was a neighborhood plan. She urged the Planning Commission to approve the *Plan* and move it forward, so the neighborhood could also move forward.

Chair Rex asked if there was anyone else wishing to be heard on this item or if there was a motion to close the Public Hearing.

It was moved by Commissioner Sayler-Brown, duly seconded, and carried by a voice vote of 9 to 0 (Commissioner Burke and Vice Chair Holland absent), to close the Public Hearing.

Chair Rex asked if there was any further discussion or a motion on the item.

Commission Mayer said regarding the history of the neighborhood, Cherry Avenue used to be a major street that divided the neighborhood and Campbell Avenue did not go all the way through, it stopped at the railroad tracks. He said that was the reason the Red Cross property was referenced and when Cherry Avenue was a different street. He said it did not affect any policies, but said it was a historical note.

It was moved by Commission Mayer, duly seconded, and carried by a voice vote of 9-0 to forward a recommendation to the Mayor and Council to adopt the *Miles Neighborhood Plan*, with the exception that under strategy 2.1.3 after R-2 zoning, the balance of the sentence is struck and inserted in its place: except along the Broadway Boulevard frontage as provided by the residential subarea 1 Land Use Map in the *Arroyo Chico Area Plan*.

5. UPDATE ON RIPARIAN HABITAT STANDARDS (INFORMATION ITEM ONLY)

Leslie Liberti, Conservation and Sustainable Development Program, Director, gave a Power Point presentation. She stated the City of Tucson currently had three sets of regulations that governed Riparian Habitat Preservation Protection along watercourses. She discussed and highlighted the following items:

- Wash Ordinance:
 - Adopted in 1991
 - No development in resource area unless loss was minimized and mitigated.
 - Urban, channelized watercourses
- Current Environmental Resource Zone (ERZ)
 - Adopted in 1990
 - Intent was to preserve 100% of critical habitat
 - Natural conditions, urban fringe, connectivity
- Current floodplain
 - Adopted in 1984, many miles of washes
 - Did not unnecessarily alter riparian habitats
 - Needed 100-year floodplain delineated
- Historical Context
 - 2005: Third failed attempt to add additional watercourses to WASH and ERZ.
 - Floodplain ordinance was poorly or inconsistently implemented
 - Solutions: Short term–new Development Standard; Long term–revised Riparian Habitat Preservation Ordinance.
- Proposed Riparian Ordinance
 - If vegetation was present
 - If vegetation was not present
 - Perimeter area
- Protected Riparian Area
 - Proposed regulatory areas when Floodplain exceeds top-of-bank
 - Proposed regulatory areas when Floodplain is contained within top-of-bank
 - Proposed regulatory areas in locations with embankments or impoundment
 - Proposed regulatory areas in locations with shallow groundwater
- Categories of Impact and Necessary Development
- Improvement Ratios and Effectiveness Scoring
- Plant Survey and Mitigation Plan
- Staff Consultations and Stormwater Advisory Committee
- Trails Master Plan

Commissioner Williams asked if current ordinances allowed for the complete destruction of Riparian Habitat areas and pay fees in lieu of replacement of vegetation.

Ms. Liberti answered under the current watercourse ordinances there was not an “in lieu of” allowance. She said basically, they were allowed a very minor impact, allowed necessary developments and allowed a five percent impact beyond that. She said they could request a higher level of impact through a Development Standard Modification request and those requests went to Mr. Duarte for approval. There were circumstances where there were high levels of impact but there was a formal review process, notification to the neighbors and a mitigation process.

Commissioner Williams asked if the new proposal made any changes to that process.

Ms. Liberti said the new proposal gave initially a higher level of allowed impact and increased from five to ten percent. She said on the other end, instead of having people mitigate by planting plants, there was a requirement for the remaining habitat to improve the quality by removing invasive species, do water harvesting or more irrigation.

Commission Williams said he did not want to see migration routes for various types of animals destroyed, or to take the character away from those types of areas.

Ms. Liberti agreed and said they were discussing different levels of thresholds for what was an acceptable level of impact. Initially it was twenty-five percent across the board and for those really highest quality washes; the level would be much less. She said that was why there was going to be a rating system. Anything beyond ten percent was going to be a major process. She said, on the flip side, it gave people more flexibility for much degraded washes and an incentive to remove invasive species and do re-vegetation in areas that may not have any vegetation. She said they were trying to balance the recognition.

Commissioner Lavaty said he had problems historically with developers exceeding grading and impact standards while doing clean outs. He asked if the City was staffed to be able to enforce or police the new regulations.

Ernie Duarte, Planning and Development Services, Director, said there were three different rules and regulations for Riparian and Wash Protection. The goal was to consolidate to one consistent regulation to achieve the intent to preserve these watercourses. He said there was a challenge regarding enforcement that was due to staffing and cross training being embarked to perform some site grading functions.

Commissioner Lavaty said degraders made changes at different times and days of the week and did not see anything changing. He said he was skeptical in preserving the washes and concerned on the amount of penetration and degradation that Mr. Duarte spoke about regarding the twenty to twenty-five percent range.

Commissioner Mayer asked to describe the ways the watercourse maybe degraded under the rating system.

Ms. Liberti explained watercourses had armored sides and bottom that were incised and showed signs of head cutting or incision with little or no vegetation and sites

where a large part of the upland floodplain had been paved over and was impervious. She said sites where there was vegetation on both sides of the property; the watercourses were underground so they were paved over.

Commissioner Mayer expressed concerns regarding dual standards where development was in pristine condition would get a higher rating and those who lived in the urban core would get a degraded rating. He said the equations should include standards of watercourse in the area that were more peripheral and less developed than other standards in the City that were under stress but could be developed.

Commissioner Maher said he agreed with the concept, but was concerned about the scoring system. He said he felt there would be continued violations unless it was under control with a simplified process. He asked if there were still further discussions with committees.

Ms. Liberti said there was and discussion followed.

Chair Rex asked how this was coordinated with Clarion Associates who was reformatting the *Land Use Code*. She said what was being presented was a working document and in the future would be reformatted to match what the other activities were. She asked about the coordination with other changes to the *Land Use Code* and how this fit in.

Jim Mazzocco, Planning and Development Services, Planning Administrator, explained the strategies for the documents. He said there would be a new *Land Use Code* called the *Unified Development Code* that would have all the typical permitted uses and a set of development standards. The development standards were separate. He explained the new set of documents would include the *Unified Development Code* which would be mainly zoning issues; the Administration Manual which would be submittal criteria, development review fees and miscellaneous items; and the Technical Manual, which would be the engineering standards for the City. The water harvesting standards may be included in the Technical Manual. He said the scoring mechanism was discussed and were considered development and technical standards.

Commissioner Lavaty suggested discussing and explaining to the Mayor and Council the structure of the *Land Use Code*. He said it was important that they understand the scoring mechanisms would not be incorporated in the *Code*, but would be incorporated in a design guide.

Mr. Mazzocco said there were no absolute answers as of yet and discussions to figure out where everything would need to go.

Commissioner Sayler-Brown asked how plant mortality would be monitored.

Ms. Liberti said that was one of the outstanding details. She said it was a rough plan of the ordinance that would be presented to Mayor and Council and identify, in bullet points, other detailed items.

6. OTHER BUSINESS

a. Mayor and Council Update

Ernie Duarte, Planning and Development Services, Director announced last month, the Mayor and Council adopted the Infill Incentive District which was an item that had been before the Planning Commission. The effective date of the ordinance was October 9, 2009. He said there were potential applicants waiting and hoping to take advantage of the provisions that the Infill Incentive District provided, such as the relief of some of the Modification Development Regulations (MDR) for items such as parking, loading, screening, and landscaping. He said he hoped to be able to process those applications soon.

Mr. Duarte announced that on September 9, 2009, the Mayor and Council approved the amendment to the *Grant/Alvernon Area Plan*.

Mr. Duarte also announced that on October 6, 2009, the Mayor and Council asked for updates on changes made to the Certificate of Occupancy Ordinance. One of the biggest components that made the overall process much simpler was the changes the Planning Commission made to the *Land Use Code* with regard to the parking plans. He said the results were tremendous. He added statistics showed Certificate of Occupancy compliance increased significantly, more applications were being submitted, and there was a decrease of Certificate of Occupancy applicants that had either expired, or were withdrawn.

Mr. Duarte announced a report was presented to the Mayor and Council regarding infill strategies, an item that was currently on the Planning Development Services strategic work plan. He said this plan touched on the *Parking Reduction Plan*, the action on the Flexible Lot Design Development, the upcoming Neighborhood Preservation Zone, and the continued update of Clarion Associates work on the *Land Use Code*.

Jim Mazzocco, Planning and Development Services, Planning Administrator, added one item that went with the Infill Incentive District was the revision to the Plan Area Development that allowed that particular zone to be used as an overlay. The Mayor and Council directed staff to come up with an overlay zone for the area that surrounded **the Downtown Links road project and the Warehouse District**. He said that would be the first use to the Plan Area Development Zone where staff was preceding to develop an *Urban Design Plan* for that area.

b. Other Planning Commission Items (Future Agenda Items for Discussion/Assignments)

- Update to Mayor and Council on the Clarion Report and the simplification of the *Land Use Code*
- Update to Mayor and Council on potential text amendment to the *Land Use Code* with regard to charter schools.

- Presentation on the Neighborhood Preservation Zone for the Feldman's Historic Neighborhood District for the Mayor and Council's consideration and Public Hearing.
- Applications sent out and were being received back for the Jefferson Park Neighborhood Preservation Zone
- Unavailability of Planning Commission minutes from previous meetings and trying to get the minutes to the Commissioners in a timely fashion. Chair Rex advised it was a critical concern and becoming an issue.
- Architectural Documentation: The Mayor and Council directed staff to create an ordinance that addressed documentation for the demolition for historic buildings that were fifty years older or more.

c. Update on Water and Wastewater Study Oversight Committee by Planning Commission Members

Commissioner Maher announced staff presented their report. There were fifteen intense reports put together from this committee. The Committee itself would also be putting together a report based on the fifty recommendations included on the draft that were presented to the Oversight Committee. The timeline for the report was November 18, 2009. He made a suggestion that the Committee needed to use the fifty recommendations to base their findings on. Both reports would be combined and presented to the Mayor and Council.

7. CALL TO THE AUDIENCE

There were no speakers.

8. ADJOURNMENT – 10:46 p.m.